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Counsel for Defendant BLACKMON  
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8 IN THE UNITED STATES DISTRICT COURT  
9  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, )  
12 ) No. CR 06-00713 SBA  
Plaintiff, )  
13 ) STIPULATION AND ~~PROPOSED~~  
v. ) ORDER FOR CONTINUANCE OF  
14 ) CHANGE OF PLEA AND  
15 ) SENTENCING DATE  
KIRBY WARD BLACKMON, )  
16 )  
Defendant. )

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of  
18 plea and sentencing date in this case, currently scheduled for September 18, 2007, at 10:00 a.m.  
19 before Honorable Judge Sandra Brown Armstrong, may be continued to Tuesday, October 16,  
20 2007, at 10:00 a.m. for change of plea and sentencing. The reason for the request is that Mr.  
21 Blackmon has eye surgery scheduled for September 11, 2007 to replace the lense in his left eye  
22 which has been damaged because of his diabetes. Mr. Blackmon had this surgery on his right eye in  
23 March and is still suffering from visions problems which are being addressed by his doctor. Mr.  
24 Blackmon anticipates that if there are no complications with the surgery, the vision in his left eye  
25  
26

1 will be clear enough for him to review documents and participate in his sentencing by October 16,  
 2 2007. He further anticipates that the problems with the vision in his right eye will be addressed by  
 3 then. The plea agreement anticipates that Mr. Blackmon will be sentenced to custody. Mr.  
 4 Blackmon wants to make sure that the ongoing problems with his vision are addressed prior to the  
 5 change of plea and sentencing so that he can meaningfully participate in his case. United States  
 6 Probation Officer Christina Carrubba has been notified and she has no objection to the proposed  
 7 continuance.  
 8

9 The parties stipulate that the time from September 18, 2007, to October 16, 2007, should be  
 10 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and  
 11 (h)(4) for adequate preparation of counsel and due to the fact that Mr. Blackmon is physically unable  
 12 to stand trial as he recuperates from the eye surgery. The Court also could exclude time under 18  
 13 U.S.C. §3161(h)(1)(I) as it continues to consider the proposed plea agreement to be entered into by  
 14 the defendant and the attorney for the Government.  
 15

16 /S/  
 17 DATED: 8/29/07  
 18 \_\_\_\_\_  
 19 JOYCE LEAVITT  
 20 Assistant Federal Public Defender

19 /S/  
 20 DATED: 8/29/07  
 21 \_\_\_\_\_  
 22 H.H. (SHASHI) KEWELRAMANI  
 23 Assistant United States Attorney

#### 24 SIGNATURE ATTESTATION

25 I hereby attest that I have on file all holograph signatures for any signatures indicated by  
 26 a “conformed” signature (/S/) within this e-filed document.

1 **ORDER**

2 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea and  
3 sentencing date in this case, currently scheduled for September 18, 2007, at 10:00 a.m. before  
4 Honorable Judge Saundra Brown Armstrong, may be continued to Tuesday, October 16, 2007, at  
5 10:00 a.m. for change of plea and sentencing.  
6

7 IT IS FURTHER ORDERED that the time from September 18, 2007, to October 16, 2007,  
8 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
9 3161(h)(8)(A), (h)(4) and (h)(1)(I) for adequate preparation of counsel, because Mr. Blackmon is  
10 physically unable to stand trial as he recuperates from the eye surgery and in order for the Court to  
11 continue considering the proposed plea agreement to be entered into by the defendant and the  
12 attorney for the Government. The Court finds that the ends of justice served by the granting of the  
13 continuance outweigh the best interests of the public and the defendant in a speedy and public trial  
14 and the failure to grant the requested continuance would unreasonably deny the defendant's counsel  
15 the reasonable time necessary for effective preparation, taking into account due diligence.  
16

17 SO ORDERED.  
18

19 DATED: 9/4/07

20   
21 HONORABLE SAUNDRA BROWN ARMSTRONG  
22 United States District Judge  
23  
24  
25  
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